



DOCKET NO: C1039.70075US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

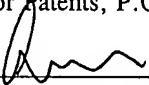
Applicant: Krieg et al.  
Serial No: 10/613,916  
Confirmation No: unknown  
Filed: July 3, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACID  
MOLECULES

Examiner: unknown  
Art Unit: unknown

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 10 day of December, 2003.

  
\_\_\_\_\_  
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

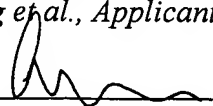
Transmitted herewith are the following documents:

- [X] Supplemental Information Disclosure Statement Under 37 C.F.R. §1.56, 1.97 & 1.98
- [X] Form PTO-1449 with References Cited
- [X] Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500, Boston, Massachusetts.

No fee is believed to be due. If a fee is required, the Commissioner is hereby authorized to charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Krieg et al., Applicant*

By:   
\_\_\_\_\_  
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
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Docket No. C1039.70075US00

Date: December 10, 2003

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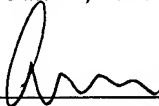
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Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

**PART II: Information Cited**

A. The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications (copies enclosed) that may contain subject matter related to this application:

Docket No.	Serial No.	Filing Date	Inventor
C1037.70016US00	09/009,634	01-20-1998	Hutcherson et al.
C1039.70020US00	09/337,584	06-21-1999	Krieg et al.
C1039.70023US00	09/337,636	06-21-1999	Krieg
C1039.70022US00	09/337,893	06-21-1999	Krieg
C1039.70043US00	09/629,477	07-31-2000	Krieg et al.
C1039.70042US00	09/630,319	07-31-2000	Krieg et al.
C1039.70041US00	09/655,319	09-05-2000	Krieg et al.
C1041.70010US00	09/786,436	03-02-2001	Wagner et al.
C1039.70057US00	09/965,101	09-26-2001	Davis et al.
C1039.70062US00	10/187,489	07-02-2002	Krieg et al.
C1039.70069US00	10/314,578	12-09-2002	Krieg et al.
C1041.70035US00	10/373,381	02-25-2003	Wagner et al.
C1039.70070US00	10/382,822	03-06-2003	Krieg et al.
C1041.70037US00	10/407,952	04-04-2003	Lipford et al.
C1039.70072US00	10/434,696	05-09-2003	Davis et al.
C1039.70071US00	10/435,656	05-09-2003	Krieg et al.
C1039.70077US00	10/619,279	07-14-2003	Krieg
C1039.70078US00	10/627,331	07-25-2003	Krieg et al.
C1039.70079US00	10/627,413	07-25-2003	Krieg et al.

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

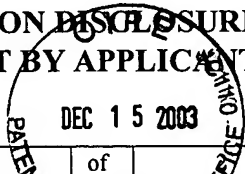
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Krieg et al., *Applicant*

By:   
\_\_\_\_\_  
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Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. C1039.70075US00  
Date: December 10, 2003  
**XNDDX**

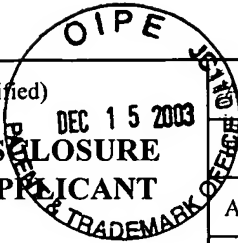
FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/140,013	ATTY. DOCKET NO.: C1041.70019US00
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> 		FILING DATE: May 6, 2002	CONFIRMATION NO.: 4259
		APPLICANT: Schetter et al.	
		GROUP ART UNIT: 1642	EXAMINER: David J. Blanchard
Sheet	1	of	

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A2	2001/0044416	A1	Davis et al.	11-22-2001
	A3	2003/0055014	A1	Bratzler	03-20-2002
	A4	2002/0064515	A1	Krieg et al.	05-30-2002
	A5	6,406,705	B1	Davis et al.	06-18-2002
	A6	2002/0091097	A1	Bratzler et al.	07-11-2002
	A7	6,429,199	B1	Krieg et al.	08-06-2002
	A8	2002/0156033	A1	Bratzler et al.	10-24-2002
	A9	2002/0164341	A1	Davis et al.	11-07-2002
	A10	2002/0165178	A1	Schetter et al.	11-07-2002
	A11	2002/0198165	A1	Bratzler et al.	12-26-2002
	A12	2003/0026782	A1	Krieg et al.	02-06-2003
	A13	2003/0026801	A1	Weiner et al.	02-06-2003
	A14	2003/0050261	A1	Krieg et al.	03-13-2003
	A15	2003/0050263	A1	Krieg et al.	03-13-2003
	A16	2003/0050268	A1	Krieg et al.	03-13-2003
	A17	2003/0087848	A1	Bratzler et al.	05-08-2003
	A18	2003/0091599	A1	Davis et al.	05-15-2003
	A19	2003/0100527	A1	Krieg et al.	05-29-2003
	A20	2003/0104523	A1	Lipford et al.	06-05-2003
	A21	2003/0139364	A1	Krieg et al.	07-24-2003
	A22	2003/0148976	A1	Krieg et al.	08-07-2003
	A23	2003/0148316	A1	Lipford et al.	08-07-2003
	A24	2003/0166001	A1	Lipford	09-04-2003
	A25	2003/0181406	A1	Schetter et al.	09-25-2003
	A26	2003/0191079	A1	Krieg et al.	10-09-2003
	A27	6,653,292	B1	Krieg et al.	11-25-2003

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	WO	98/32462	A1		07-30-1998	
	B2	WO	98/40100	A1		09-17-1998	
	B3	WO	99/56755	A1		11-11-1999	
	B4	WO	99/58118	A2		11-18-1999	
	B5	WO	99/61056	A2		12-02-1999	
	B6	WO	00/06588	A1		02-10-2000	



FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/140,013	ATTY. DOCKET NO.: C1041.70019US00
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: May 6, 2002	
		CONFIRMATION NO.: 4259	
		APPLICANT: Schetter et al.	
Sheet 2 of 2		GROUP ART UNIT: 1642	EXAMINER: David J. Blanchard

	B7 ✓	WO	00/14217	A3		03-16-2000	
	B8 ✓	WO	00/67023	A1		11-09-2000	
	B9 ✓	WO	01/22972	A2		04-05-2001	
	B10 ✓	WO	01/22990	A2		04-05-2001	
	B11 ✓	WO	02/069369	A2		09-06-2002	

OTHER ART — NON PATENT LITERATURE DOCUMENTS						
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.				Translation (Y/N)

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]